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05 OCT 2001

PCT \$ #6

Docket No.: 0384-0049-0 PCT



ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

RE: Application Serial No.: 09/508,514
Applicants: Patrick DUWAT, et al.
International Filing Date: July 24, 1998
Priority Date: July 24, 1998
For: PROCESS FOR PREPARING STARTER CULTURES
OF LACTIC ACID BACTERIA

Examiner:

SIR:

Attached hereto for filing are the following papers:

Reply to Second Communication Regarding Submission Under 37 CFR § 1.42
Response to Second Communication Regarding Submission Under 37 CFR § 1.42
Petition for Extension of Time (Two Months)
Filing of Declaration Under 37 CFR § 1.53(f)
Declaration and Power of Attorney for Patent Application (executed, 4 pages)

Our check in the amount of \$400.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

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DOCKET NO.: 0384-0049-0 PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: : GROUP ART UNIT:

PATRICK DUWAT, ET AL. :

SERIAL NO.: 09/508,514 : EXAMINER:
PCT No.: PCT/IB99/01430

FILED: MARCH 24, 2000 :

FOR: PROCESS FOR PREPARING :
STARTER CULTURES OF LACTIC
ACID BACTERIA

REPLY TO SECOND COMMUNICATION REGARDING
SUBMISSION UNDER 37 CFR 1.42

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Responsive to the Second Communication Regarding Submission Under 37 CFR 1.42, reconsideration is respectfully requested in view of the following.

STATEMENT OF FACTS

1) On March 12, 2001, a certified copy of the Certificate of Heredity of Mr. Patrick Duwat was filed in the U.S. Patent Office;

2) On page 3, thereof, it is stated that the two children of Anne Brevard, who was married to Patrick Duwat, are "both minors, in the charge of their mother" (See English Translation);

3) On July 9, 2001, Applicants' U.S. representatives sent a letter to their French/European associate inquiring whether Ms. Brevard is a legal representative for her children under French law (See Attachment 1); and

4) On July 26, 2001, in reply to the letter of 3), Applicants' U.S. representatives received a letter indicating that Ms. Brevard is - according to French law - the legal representative of Mr. Duwat's estate and authorized to execute the Declaration on behalf of

her children. (See Attachment 2).

Accordingly, attached herewith is a Declaration executed in accordance with 37 CFR 1.42 as well as 37 CFR 1.497.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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RESPONSE TO SECOND COMMUNICATION REGARDING
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ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Response to the communication of June 5, 2001, attached herewith is an executed Declaration which clearly has been executed by:

- 1) two joint inventors, Sophie Sourich and Alexandra Gruss;
- 2) the legal representative of deceased inventor Patrick Duwat, Anne Bravard; and
- 3) Anne Bravard on behalf of her two children, Charlotte Noémie Duwat and Coralie Manon Duwat.

Accordingly, it is believed that the attached Declaration is an acceptable submission under 37 CFR 1.42. Hence it is believed that this application should now be accepted for further national stage proceedings.

Favorable consideration is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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